

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:23-CV-423-RJC-DCK**

MAWULE TEPE,

Plaintiff,

v.

CLIFTON L. CORKER, et al.,

Defendants.

)
)
)
)
)
)
)
)
)
)
)

ORDER

THIS MATTER IS BEFORE THE COURT on *pro se* Plaintiff's "...Motion To Challenge Jurisdiction Of This Court When The Process Services Are Not Yet Completed" (Document No. 40) filed September 5, 2023. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, the undersigned will deny the motion.

Pro se Plaintiff's pending "...Motion To Challenge Jurisdiction Of This Court When The Process Services Are Not Yet Completed" (Document No. 40) appears to suggest that the undersigned lacked jurisdiction to issue a ruling on Plaintiff's previous motions to amend the Complaint and for extensions of time. (Document No. 40); see also (Document Nos. 14 and 22). In addition, Plaintiff seems to be confused by the Javitch Defendants' "Notice Of Withdrawing No. 19" (Document No. 20). The Javitch Defendants' "Opposition To Motion For Leave To File First Amended Complaint..."(Document No. 18) was timely filed in response to Plaintiff's "Motion For Leave To File First Amended Complaint..." (Document No. 17). The Javitch Defendants did *not* withdraw their opposition to Plaintiff's motion to amend as Plaintiff suggests. See (Document No. 40, p. 8; Document No. 20).

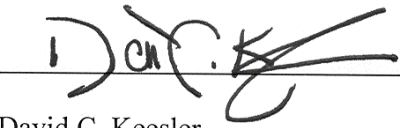
Following *pro se* Plaintiff's "Motion For Leave To File First Amended Complaint Against Defendants Emily Louise Nenni, Michael David Slodov, And Javitch Block LLC Only Or In The Alternative To File It As Split Claims Against These Latest Defendants" (Document No. 17) the Court ordered that "Plaintiff shall file an Amended Complaint, or respond to the pending "Motion To Dismiss..." (Document No. 4), on or before **September 1, 2023**," and noted that "any Amended Complaint will supersede the original Complaint (Document No. 1)." To date, Plaintiff has failed to file a response to the "Motion To Dismiss..." (Document No. 4) or an Amended Complaint. As such, it appears that Plaintiff is forfeiting his right to respond to the Javitch Defendants' "Motion To Dismiss..." (Document No. 4).

Although the instant motion is somewhat confusing, Plaintiff seems to be requesting leave to file an Amended Complaint, on some indefinite date, after all Defendants have filed responses to the original Complaint. The undersigned will respectfully deny this request, again. See (Document No. 22). Plaintiff shall file responses to the pending motions to dismiss, each in due course, as ordered by the Court. See (Document Nos. 7, 14, 22, 34, 38). The undersigned expresses no opinion at this time as to future requests to amend.

IT IS, THEREFORE, ORDERED that *pro se* Plaintiff's "...Motion To Challenge Jurisdiction Of This Court When The Process Services Are Not Yet Completed" (Document No. 40) is **DENIED**.

SO ORDERED.

Signed: September 8, 2023



David C. Keesler
United States Magistrate Judge

